IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1577 OF 2006

Dr.Milind Anant Mhaskar ...Appellant
vs.
Dr(Mrs.) Aruna Milind Mhaskar ...Respondent

Ms P.P.Tendulkar for the Appellant
Ms Aruna Pai for Respondent

CORAM: A.S.OKA, J.
DATE : FEBRUARY 22,2007.

P.C.:

1. Heard Advocates for the parties. It is not in dispute that the order dated 8th February 2007 has been complied with.

2. I have already passed a detailed order dated 25th July 2006 by which I have recorded a finding that the custody of the child cannot be disturbed considering the tender age of the child.

3. Notice was issued to the Respondent as some workable arrangement will have to be made for granting access to the Appellant to meet the minor child. On 18th February 2007, the Respondent had taken the minor child to the premises of Gajanan Maharaj Ashram, Kankawali, District Sindhudurg. The Appellant and his parents were allowed to meet the child on that day. Both the parties are present in chamber today. Both of them agreed that the premises of Gajanan Maharaj Ashram, Kankawali, District Sindhudurg is convenient to them. Therefore, arrangement can be made for granting access at the said place twice a month. The learned Advocate for the

Appellant submitted that the Appellant is entitled to overnight access.

4. Considering the facts and circumstances of the case and the present age of the child, the said request cannot be considered as of today. The orders regarding custody of the minor child are never final in the sense that in the event of change in circumstances, parties can always make appropriate application to the competent court.

5. Appeal is disposed of by passing the following order :

i) The impugned Judgment and Order dated 15th April 2006 is confirmed in so far as prayer for custody is concerned. However, order regarding access passed by the Trial Court is modified.

ii) On every first and third Sunday of every calendar month the Respondent will bring the minor child to the premises of Gajanan Maharaj Ashram, Kankawali District Sindhudurg. The Appellant along with his parents will be entitled to meet the child in the said Ashram between 4.30 p.m. to 6.30 p.m.

iii) In case of any difficulty, liberty to both the parties to approach the Trial Court. There will be no order as to costs.

iv) Parties to act upon an authenticated copy of this order.

JUDGE